

APPEAL NO. 021174
FILED JUNE 24, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 8, 2002. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) reached maximum medical improvement (MMI) on April 17, 2000, with a 2% impairment rating (IR) as reported by the designated doctor chosen by the Texas Workers' Compensation Commission (Commission). The claimant appealed and the respondent (self-insured) responded.

DECISION

The hearing officer's decision is affirmed.

The claimant sustained a compensable injury on _____. The claimant's second treating doctor reported that the claimant reached MMI on February 1, 2000, with a 7% IR. The doctor who evaluated the claimant at the self-insured's request reported that the claimant reached MMI on January 2, 2000, with a 0% IR. The designated doctor chosen by the Commission examined the claimant and reported that the claimant reached MMI on April 17, 2000, with a 2% IR. The claimant's third treating doctor reported that the claimant reached MMI on December 14, 2001, with a 17% IR. The designated doctor reevaluated the claimant and reviewed additional medical reports sent to him by the Commission, and in a report dated September 24, 2001, made clear that the MMI date and IR he previously reported had not changed.

The report of the designated doctor regarding MMI and IR has presumptive weight, and the Commission must base the MMI and IR determinations on that report unless the great weight of the other medical evidence is to the contrary. Sections 408.122(c) and 408.125(e). The hearing officer found that the designated doctor's report on MMI and IR was not contrary to the great weight of the other medical evidence. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **A GOVERNMENTAL ENTITY THAT SELF-INSURES, EITHER INDIVIDUALLY, OR COLLECTIVELY THROUGH THE TEXAS ASSOCIATION OF SCHOOL BOARDS RISK MANAGEMENT FUND** and the name and address of its registered agent for service of process is

**EW
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Robert W. Potts
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Philip F. O'Neill
Appeals Judge